

REMARKS

In the Office Action mailed November 25, 2009 the Office noted that claims 18-43 were pending and rejected claims 18-43. Claims 18-26 and 39-43 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 18-43 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

DOUBLE PATENTING

Claims 18-43 are provisionally rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over co-pending Application No. 10/530,033 in view of Saeki et al., U.S. Patent No. 6,067,400.

The Applicants respectfully disagree and traverse the rejection with an argument. In particular, on page 3 of the Office Action, the Office acknowledges that the co-pending application does not disclose "information to indicate presence or absence, or effectiveness or ineffectiveness of the control information element," but asserts that Saeki et al., col. 14, lines 1-15; col. 19, lines 43-56; col. 15, lines 21-34; Fig. 14; and col. 20, lines 26-30 do.

However, Saeki et al. col. 14, lines 1-15; col. 19, lines 43-56; col. 15, lines 21-34; Fig. 14; and col. 20, lines 26-30 of Saeki et al. merely discuss (i) information which shows

the button itself (specifically, the "forcedly selected button number" which shows the initially selected button and the "forcedly activated button number which shows the automatically activated button in col. 14, lines 1-15 of Saeki et al.), (ii) the control information itself (specifically, the button n information including the button position information, the neighboring button information and the button command in col. 15, lines 21-34 and Fig. 14), and (iii) control unit itself which control the display of the button (specifically, the button state control unit 933 which manages the state of the button of change and the highlight display control unit 934 which controls the highlight display in col. 19, lines 43-56 and col. 20, lines 26-30). The disclosure does not suggest or teach the "information to indicate presence or absence, or effectiveness or ineffectiveness of the control information element (the control information element is different from the sub-video information (for example, button) itself)".

Additionally, in Saeki et al., there is a disclosure such that "when the forcedly selected button number is "0" meaning "invalid", it means the forcedly selected button does not exist at the initial stage." However, Saeki et al. merely discuss the information to indicate presence or absence of the button itself, and do not disclose the information to indicate presence or absence of the control information for controlling the button. Likewise, the same argument can be applied to a "forcedly

activated button number."

Thus, the co-pending application and Saeki et al., taken separately or in combination, fail to render obvious the features of claims 18, 27, 29, 31, 33, 35, 37 and 39-42 and the claims dependent therefrom.

Withdrawal of the provisional rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 101

Claims 18-26 and 39-43 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that claims 18-26 do not disclose a computer readable recording medium; that claims 39-41 merely disclose software; and claims 42-43 merely disclose a data structure.

The Applicants have amended the claims in conformity with the comments of the Office and also MPEP § 2106.01(I) which states in part "a claimed **computer-readable medium encoded with a data structure** defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and **is thus statutory** ... a claimed computer-readable medium **encoded with a computer program** is a computer element which defines structural and functional interrelationships between the computer program and

the rest of the computer which permit the computer program's functionality to be realized, and **is thus statutory**. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035." (Emphasis added)

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 18-43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Saeki et al., U.S. Patent No. 6,067,400. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Saeki et al. discuss an optical disc comprising a data area for storing at least one object that has sub-picture data and moving picture data, wherein the data area includes a plurality of small areas, each of which includes a first sub-area and a second sub-area, with the object in the data area being stored over consecutive small areas.

On page 12 of the Office Action, it is asserted that Saeki et al., col. 14, lines 1-15; col. 19, lines 43-56; col. 15, lines 21-34; Fig. 14; and col. 20, lines 26-30 disclose "sub-video control information including ... (ii) information to indicate presence or absence, or effectiveness or ineffectiveness of the control information element," as in claim 18.

However, in reference to the argument above as to obviousness type double patenting the Applicants respectfully submit that Saeki et al. do not disclose "information to indicate

presence or absence, or effectiveness or ineffectiveness of the control information element."

For at least the reasons discussed above, claims 18, 27, 29, 31, 33, 35, 37 and 39-42 are not anticipated by Saeki et al.

Further, for at least the reasons discussed above, Saeki et al. do not disclose "the sub-video control information includes ... (ii) type indicating information to indicate presence or absence, or effectiveness or ineffectiveness of the control information elements by each of the types," as in claim 19; or "the type indication information indicates the presence or absence, or the effectiveness or ineffectiveness of the control information elements by the unit of the sub-frame," as in claim 20.

Withdrawal of the rejection is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101 and 102. It is also submitted that claims 18-43 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this,

concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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